

HOUSE BILL NO. 747

INTRODUCED BY DRISCOLL

A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING SCHOOL DISTRICT AND PUBLIC POSTSECONDARY INSTITUTION LIABILITY FOR CIVIL DAMAGES RESULTING FROM STUDENT LABOR ON A CONSTRUCTION PROJECT AS PART OF A ~~SCHOOL~~ PUBLIC EDUCATION PROGRAM IF NOTICE OF THE STUDENT LABOR IS GIVEN AT THE TIME OF TRANSFER OF THE PROPERTY; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Student construction project -- disclosure -- immunity.** (1) The entity that transfers title to a construction project constructed as part of a ~~school~~ PUBLIC education program shall disclose the fact that the construction project was constructed as part of a public ~~school~~ education program on at least one document, form, or application executed prior to or contemporaneously with an offer for the purchase, sale, rental, or lease of the construction project. The disclosure provided for in this subsection must be in the following form or in a substantially similar form: "Student Construction Project: This property was constructed as part of a public ~~school~~ education program and was in whole or in part constructed by students. The school district OR PUBLIC POSTSECONDARY INSTITUTION responsible for the education program is not liable for civil damages resulting from construction projects constructed as part of a public ~~school~~ education program except in cases of gross negligence or willful misconduct."

(2) Except in cases of gross negligence or willful misconduct, a school district OR PUBLIC POSTSECONDARY INSTITUTION is not liable for civil damages resulting from a construction project constructed as part of a public ~~school~~ education program if the disclosure required in subsection (1) is made.

(3) AS USED IN THIS SECTION, "PUBLIC EDUCATION PROGRAM" MEANS A PROGRAM OPERATED BY A PUBLIC SCHOOL OR A PUBLIC POSTSECONDARY INSTITUTION.

NEW SECTION. **Section 2. Codification instruction.** (1) [Section 1] is intended to be codified as an integral part of Title 20, chapter 6, part 1, and the provisions of Title 20, chapter 6, part 1, apply to [section 1].

(2) [SECTION 1] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 20, CHAPTER 25, AND THE

1 PROVISIONS OF TITLE 20, CHAPTER 25, APPLY TO [SECTION 1].

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3 NEW SECTION. Section 3. Two-thirds vote required. Because [section 1] limits governmental
4 liability, Article II, section 18, of the Montana constitution requires a vote of two-thirds of the members of each
5 house of the legislature for passage.

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7 NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2005.

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9 NEW SECTION. Section 5. Applicability. [This act] applies to student labor on construction projects
10 regardless of the completion date of the project if the disclosure provided for in [section 1(1)] is made.

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